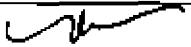


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCESDocket Number (Optional)  
1001.2240101

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office at "Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" 37 CFR 1.8(a)]

on APRIL 20, 2009Signature Typed or printed name THU H. LE-TOIn re Application of  
**TOBY FREYMAN et al.**Application Number  
10/680,288 Filed OCTOBER 8, 2003

For MEDICAL DEVICE GUIDANCE FROM AN ANATOMICAL REFERENCE

Art Unit  
3734 Examiner  
VI X. NGUYEN

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 540.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is \$ \_\_\_\_\_

A check in the amount of the fee is enclosed

Payment by credit card Form PTO-2038 is attached

The Director has already been authorized to charge fees in this application to a Deposit Account

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No 50-4013.

Please consider this a Petition for a Two-Month Extension of time under 37 CFR 1.136(a) to enter this paper

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

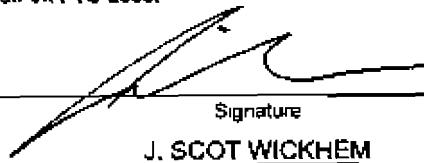
I am the

applicant/inventor.

assignee of record of the entire interest  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record.  
Registration number 41,376

attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 4-20-2007

  
 Signature  
**J. SCOT WICKHEM**  
 Typed or printed name

612.677.9050

Telephone number

4-20-2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*. \*Total of \_\_\_\_\_ forms are submitted

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.